

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

YAKOV G. DRABOVSKIY : **DOCKET NO. 2: 08-cv-1453**
 : **Section P**
VS. : **JUDGE DOHERTY**
WARDEN J.P. YOUNG : **MAGISTRATE JUDGE HILL**

REPORT AND RECOMMENDATION

Currently before the court is a petition for writ of *habeas corpus* filed by *pro se* petitioner, Yakov G. Drabovskiy, filed on November 3, 2008 pursuant to 28 U.S.C. § 2241.¹ By this petition, petitioner challenges his post-removal-order detention. This matter has been referred to the undersigned magistrate judge for review, report, and recommendation in accordance with 28 U.S.C. § 636(b)(1)(B).

This courts records reveal that petitioner previously filed a § 2241 petition for writ of *habeas corpus* challenging his post-removal-order detention. *Drabovskiy v. Young*, 2:07-cv-1385 (W.D.La. 2007). That case was denied and dismissed less than one month ago, on November 7, 2008, by Judge Trimble, following a response by the government, appointment of counsel, an evidentiary hearing and a Report and Recommendation by Magistrate Judge Kay. Specifically, petitioner's previous challenge to his continued custody was denied and dismissed because petitioner had hampered his removal by refusing to provide complete,

¹Petitioner filed deficient pleadings on September 29, 2008 which were not on approved forms and which did not contain petitioner's original signature. [See rec. docs. 1-3].

honest and accurate information to the Russian Consulate unequivocally requesting that a travel document be issued. Thus, by failing to cooperate fully with ICE's efforts to remove him, the removal period was statutorily tolled. *See* Court Exhibit 1, *in globo*.

In the instant case, petitioner has failed to provide any information suggesting that his circumstances have materially changed since this court's rejection of his claim less than one month ago. Accordingly;

IT IS RECOMMENDED that the instant petition be **DENIED AND DISMISSED WITHOUT PREJUDICE** for those same reasons previously set forth by Magistrate Judge Kay and Judge Trimble of this court in docket number 2:07-cv-1385.

Under the provisions of 28 U.S.C. § 636(b)(1)(C), the parties have ten (10) business days from receipt of this Report and Recommendation to file any objections with the Clerk of Court. Timely objections will be considered by the district judge prior to a final ruling.

FAILURE TO FILE WRITTEN OBJECTIONS TO THE PROPOSED FINDINGS AND RECOMMENDATIONS CONTAINED IN THIS REPORT WITHIN TEN (10) BUSINESS DAYS FROM THE DATE OF ITS SERVICE SHALL BAR AN AGGRIEVED PARTY FROM ATTACKING ON APPEAL, EXCEPT UPON GROUNDS OF PLAIN ERROR, THE UNOBJECTED-TO PROPOSED FACTUAL FINDINGS AND LEGAL CONCLUSIONS ACCEPTED BY THE DISTRICT

COURT.

THUS DONE AND SIGNED in Chambers at Lafayette, Louisiana, December 1,
2008.



C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE